

MAY 22 1996

Mr. Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3189

Dear Mr. Ratliff:

This is in response to your March 29, 1996, letter in which you ask whether a licensee, under U.S. Nuclear Regulatory Commission (NRC) or Agreement State regulation, may receive radioactive and mixed waste from the U.S. Department of Energy (DOE).

We confirm your conclusion that a commercial waste processing facility, licensed either by NRC or an Agreement State, may receive waste from DOE provided it is within the authorized scope and conditions of the facility license. In addition, you may wish to contact the Texas Low-Level Radioactive Waste Disposal Authority to determine what, if any, of the import restriction authority the Low-Level Radioactive Waste Policy Amendments Act might apply to this facility. Finally, there are Agreement State licensees in Tennessee that conduct waste processing for DOE facilities located in that State. Tennessee staff may be able to provide assistance on how they handle similar applications.

If you have any further questions on this matter, please contact Dr. Stephen N. Salomon, of my staff, at (301) 415-2368 or at his Internet address: SNS@NRC.GOV.

Original Signed By:

Sincerely, PAUL H. LOHAUS

Richard L. Bangart, Director
Office of State Programs

cc: Michael H. Mobley, Director
Tennessee Division of
Radiological Health

Distribution:

DIR (6S101)
PHLohaus
DMSollenberger
CHackney, RSLO, RIV
HHNewsome, OGC
JKennedy, NMSS
Low-Level Waste File

RLBangart
SCDrogittis
SNSalomon
FXCameron, OGC
DCD (SP08) PDR ☒ YES ☐ NO
Texas File

DOCUMENT NAME: G:\SNS\TXDOH.SNS

*See previous concurrence. *With changes Reconcurred 5/22/96*

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OFFICE	OSP*	OSP:DD*	NMSS*	OGC*	OSP:DD
NAME	SSalomon:vb <i>22</i>	PLohaus	JKennedy <i>22</i>	HNewsome <i>22</i>	RBangart <i>22</i>
DATE	05/08/96	05/08/96	05/13/96	05/13/96	05/22/96

22 OSP FILE CODE: SP-AG-27
SP-L-5

31
NRC FILE CENTER COPY
090046
9607090155 960522
PDR STPRG ESGTX
PDR

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Texas Department of Health
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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Office of State Programs

5/13/96

*JEK concurred
as suggested
wording*

*However, if a licensee is
the specific license conditions for
a facility, it should be ^{examined} ~~examined~~ to
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receiving DOE material. Also, we
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DOE and authority to determine what, if
any, of the import restriction authority
of the DOE may apply to this facility.*

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DCD (SP03)
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FXCameron, OGC
PDR ☒ YES, ☐ NO
Texas File

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*See previous concurrence

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OSP FILE CODE: SP-AG-27, SP-L-5

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OSP FILE CODE: SP-AG-27, SP-L-5



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 22, 1996

Mr. Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3189

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If you have any further questions on this matter, please contact Dr. Stephen N. Salomon, of my staff, at (301) 415-2368 or at his Internet address: SNS@NRC.GOV.

Sincerely,

A handwritten signature in cursive script that reads "Paul W. Shantz for". The signature is written in dark ink and is positioned above the typed name of the signatory.

Richard L. Bangart, Director
Office of State Programs

cc: Michael H. Mobley, Director
Tennessee Division of
Radiological Health

EXECUTIVE TASK MANAGEMENT SYSTEM

<<< PRINT SCREEN UPDATE FORM >>>

TASK # - 6S101

DATE- 04/16/96

MAIL CTRL. - 1996

TASK STARTED - 04/16/96

TASK DUE - / /

TASK COMPLETED - / /

TASK DESCRIPTION - 3/29/96 LTR-APPLICATION FOR LICENSE TO PROCESS AND
STORE RADIOACTIVE & MIXED WASTE PRIOR TO SHIPMENT

REQUESTING OFF. - TXDOH REQUESTER - R. RATLIFF WITS - 0 FYP - N

PROG. - PERSON - STAFF LEAD - PROG. AREA -

PROJECT STATUS - OSP DUE DATE:

PLANNED ACC. - N

LEVEL CODE - 1

Assigned to:

SNS

Due Date:

5/30/96

4/30/96

CC: PHL

SCD

Rathleen,

I finally got thru to Ruth McBurney. DMS4
The applicant still has to supply additional
info because the application is far from
being administratively complete. Consequently,
if we get the answer by May 30, that
would be fine. Steve Salmon

please coordinate with
Dennis and
OGC. If
Dennis doesn't
know the date by
which this
confirmation
is needed,
please
contact
McBurney
to
establish
a
date.



Texas Department of Health

David R. Smith, M.D.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3189
(512) 458-7111

Radiation Control
(512) 834-6688

Carol S. Daniels
Deputy Commissioner for Programs

Roy L. Hogan
Deputy Commissioner for Administration

March 29, 1996

U.S. Nuclear Regulatory Commission
Document Control Desk
P1-37
Washington, D.C. 20555

Attn: Richard L. Bangart, Director
Office of State Programs (OSP)

Dear Mr. Bangart:

The Texas Department of Health's Bureau of Radiation Control has received an application for a license to process and store radioactive and mixed waste prior to shipment for disposal. The facility is proposed to be located in Andrews County in West Texas.

The applicant has indicated to us that the U.S. Department of Energy (DOE) could be a potential customer. In light of this fact, we need confirmation that a commercial waste processor may receive waste from DOE for processing. Since the DOE is not a licensee of either the U.S. Nuclear Regulatory Commission (NRC) or an Agreement State, the question has arisen as to whether, under NRC or Agreement State regulations, a licensee may receive such material. Mr. Dennis Sollenberger of OSP has discussed this matter with Ruth McBurney of my staff, during which he indicated that since DOE is authorized to possess radioactive material pursuant to the Atomic Energy Act of 1954, as amended, a licensee may receive radioactive material from them. Please confirm that this is the correct conclusion.

We appreciate your attention to this matter. If you have any questions in order to clarify this further, please contact Ruth McBurney or me at 512/834-6688.

Sincerely,

Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control

9604090276 960329
PDR STPRG ESGTX
PDR

080090

SP02
1/0

MAY 22 1996

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DCD (SP08) PDR ☒ YES ☐ NO
Texas File

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DATE	05/08/96	05/08/96	05/13/96	05/13/96	05/22/96

22 OSP FILE CODE: SP-AG-27

SP-L-5 - *Cons. Ref. Copy*

31 
NRC FILE CENTER COPY

9607090155 LOPP.

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Richard L. Bangart, Director
Office of State Programs

cc: Michael H. Mobley, Director
Tennessee Division of
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EXECUTIVE TASK MANAGEMENT SYSTEM

<<< PRINT SCREEN UPDATE FORM >>>

TASK # - 6S101

DATE- 04/16/96

MAIL CTRL. - 1996

TASK STARTED - 04/16/96

TASK DUE - / /

TASK COMPLETED - / /

TASK DESCRIPTION - 3/29/96 LTR-APPLICATION FOR LICENSE TO PROCESS AND
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REQUESTING OFF. - TXDOH REQUESTER - R. RATLIFF WITS - 0 FYP - N

PROG. -

PERSON -

STAFF LEAD -

PROG. AREA -

PROJECT STATUS -

OSP DUE DATE:

PLANNED ACC. - N

LEVEL CODE - 1

Assigned to:

SNS

Please coordinate with Dennis, DGC. If Dennis doesn't know the date which his confirm a waste please contact McBurn to establish a date.

Due Date:

5/30/96

4/30/96

CC: PHL

SCD

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